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FEDERAL COMMUNICATIONS COMMISSION

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FEDERAL COMMUNICATIONS COMMISSION
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In Re Applications of:)	MM DOCKET No.: 96-110
WKZF-FM, INC.)	
For Renewal of License for)	File No.: BRH-950814UC
Station WKZF (FM))	
Bayboro, North Carolina)	

Volume: 1
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Place: Washington, D.C.
Date: June 19, 1996

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of:) MM DOCKET No.: 96-110
)
WKZF-FM, INC.) File No.: BRH-950814UC
)
For Renewal of License for)
Station WKZF (FM))
Bayboro, North Carolina)

Suite 201
FCC Building
2000 L Street, N.W.
Washington, D.C.

Wednesday,
June 19, 1996

The parties met, pursuant to the notice of the
Judge, at 9:19 a.m.

BEFORE: HON. JOHN M. FRYSIK
Administrative Law Judge

APPEARANCES:

On behalf of WKZF-FM, Inc.:

RICK D. RHODES, ESQUIRE
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(202) 728-0400

On behalf of the Commission:

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Appearances: (Continued)

On behalf of the Commission:

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
None .					

E X H I B I T S

<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
None .		

Hearing Began: 9:19 a.m.

Hearing Ended: 9:29 a.m.

1 P R O C E E D I N G S

2 THE COURT: Good morning, all. We are here for a
3 pre-hearing conference in the matter of WKZF-FM, Inc. for
4 renewal of license, Bayboro, North Carolina. May we note
5 your appearances for the record.

6 MR. RHODES: Rick Rhodes, Irwin, Campbell and
7 Tannenwald, in Washington.

8 MR. ARONOWITZ: Alan Aronowitz, and Bob Zauner,
9 for the Mass Media Bureau, FCC.

10 THE COURT: All right. Thank you. Well, the
11 station has gone dark. What do we have to say?

12 MR. RHODES: The station is dark, but the station
13 currently is dark pursuant to an authorization to remain
14 silent granted by the Commission back in late 1995, and the
15 way we read the information the station would still have
16 authorization to remain dark due to engineering work in an
17 upgrade, or rather a modification up until approximately
18 mid-July.

19 At this point, the station licensees are taking
20 very aggressive steps to work on and prosecute an
21 application with a request for expedited processing for the
22 minor modification that is necessary, and they have also
23 made contact with the engineers, and are establishing a time
24 table by which we think the station will be able to be back
25 on the air, and operating, despite some technical problems

1 that have come up.

2 We think that they will be able to make it by the
3 third quarter of the year, and be on the air probably by
4 sometime in September.

5 THE COURT: All right. Mr. Aronowitz. Do you
6 have any comments on that?

7 MR. ARONOWITZ: We have met and discussed this,
8 and we will support Mr. Rhodes' client. We are concerned,
9 insofar that there is an existing authorization for the
10 station to be silent going through July, what we would
11 propose to do working together, or as we have worked
12 together, is that Mr. Rhodes would go and secure, or attempt
13 to secure expedited processing, and construct the station by
14 the end of September.

15 What then we -- so, we would generally support
16 their efforts.

17 THE COURT: All right.

18 MR. ARONOWITZ: Oh, obviously -- at present the
19 hearing date is scheduled for, I believe, September 17th,
20 mid-September. In order to accommodate the licensee's
21 efforts, we would still want to hold a hearing date, but we
22 would respectfully request that it be extended to the end of
23 September to give them an opportunity to do this.

24 And then we will be able to proceed to hearing
25 should this not occur in an expeditious manner, and we would

1 accommodate them a couple of weeks.

2 THE COURT: All right. Would you require any
3 other filings before the hearing date?

4 MR. ARONOWITZ: We would still want to do exhibit
5 exchanges, and witness notification. However, we would do
6 pin those dates to a hearing date, target those dates to a
7 hearing date at the end of September.

8 THE COURT: Well, addressing those hearing dates,
9 and exhibits, how soon can you get them ready?

10 MR. ARONOWITZ: The exhibits, in terms of time
11 table, and milestones and that sort of thing?

12 THE COURT: Yes.

13 MR. ARONOWITZ: I think we could have those ready
14 probably in two to three weeks. The reason that I am not
15 absolutely --

16 THE COURT: From today, you mean, or --

17 MR. ARONOWITZ: Right. The reason that a date
18 certain is difficult is that the consulting engineers at the
19 moment are reviewing the proposed directional antenna
20 pattern, which is part of the minor mod, and they are
21 telling us that it is going to be approximately two weeks
22 from about now before they can finalize the engineering
23 study for the application that we would need to process at
24 the Commission.

25 And so between now and then I will talk to the

1 people in the FM branch to try to secure their assistance in
2 expediting the application. Once we have found out from
3 them their thinking on that subject, it will be much easier
4 then for us to give you a complete rundown of milestones and
5 dates, in terms of both what we are hoping for on the
6 application processing, finalization of engineering, and
7 actual construction and erection -- well, not erection of
8 the tower. It's already there -- but attachment of the
9 antenna to the tower, and setting up the studio equipment.

10 THE COURT: All right. Well, so would you be
11 ready for a hearing by the 25th of September?

12 MR. ARONOWITZ: The 25th would be okay, but if we
13 could make it around the end of the month, and give us a few
14 extra days, in terms of just trying to meet any milestones
15 we may set. I'm thinking based on a general review of the
16 facts that the end of September, from a technical
17 standpoint, is about as close as we think we can come to
18 being up and running.

19 THE COURT: All right. Do you have a calendar?

20 MR. ARONOWITZ: I do.

21 THE COURT: All right. Well, September 30th is
22 the last day, and it is a Monday.

23 MR. ARONOWITZ: That would be fine.

24 THE COURT: Do you want to go to October 1 then?

25 MR. ARONOWITZ: October 1 would be good.

1 THE COURT: We will set the hearing date for
2 October 1, and you would require the exchange of exhibits at
3 least three weeks before that date, and that would give us
4 September 10th.

5 And notification of witnesses for cross-
6 examination a week before trial, before the hearing?

7 MR. ARONOWITZ: Yes.

8 THE COURT: All right. That would make it
9 September 24th. All right. Is there any other assistance
10 that we can give you?

11 MR. RHODES: I think at this point that is
12 probably about all that we can do, and all that we can ask
13 for. We will certainly as soon as the engineering is
14 complete, so that we can provide a good picture to the FM
15 Branch of what we are doing, we will certainly work with
16 them.

17 And we would hopefully be able to come back and
18 review that matter once we got a chance to discuss it with
19 the FM Branch if there are any problems. But we don't
20 anticipate any.

21 MR. ARONOWITZ: Your Honor, there is still the
22 possibility that the FM Branch may not process this
23 application. That is one of the things that we are
24 concerned about. We've -- it is Mr. Rhodes' burden to go
25 over there and inform them, and seek the expedited action.

1 However, should the Bureau not act on this, we may
2 then be in a situation where we can just go forward, and we
3 may not have to wait until September.

4 THE COURT: Well, I can appreciate that. Right.
5 If you are going to expedite the case without a hearing,
6 that would be great. And if you satisfy the Agency, there
7 would be no problem, right?

8 MR. RHODES: Right.

9 THE COURT: But in the meantime we will set a
10 procedural schedule so that they proceed with full
11 anticipation and resolvment, okay?

12 MR. RHODES: Okay.

13 THE COURT: So, then the agreed dates are
14 September 10th as the filing of exhibits on the designation
15 order, and September 24th the notification of witnesses, and
16 October 1st, the hearing, if need be here in Washington.
17 And in between I am always available for whatever
18 discussions you need to have. Okay?

19 MR. RHODES: Thank you, Your Honor.

20 THE COURT: All right. Thank you very much. We
21 stand adjourned then.

22 (Whereupon, at approximately 9:29 a.m., the
23 hearing was concluded.)

24 //


25 //

REPORTER'S CERTIFICATE

FCC DOCKET NO.: 96-110
CASE TITLE: WKZF-FM, INC.
HEARING DATE: June 19, 1996
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.


Date: 6/19/96


Official Reporter
Heritage Reporting Corporation
1220 "L" Street, N.W.
Washington, D.C. 20005
Gary A. Sabel

TRANSCRIBER'S CERTIFICATE

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

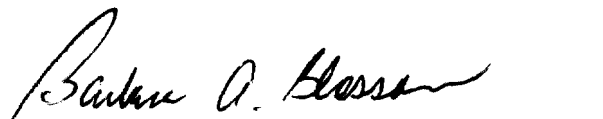
Date: 6/21/96


Official Transcriber
Heritage Reporting Corporation
Paul Intravia

PROOFREADER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: 6/24/96


Official Proofreader
Heritage Reporting Corporation
Barbara A. Blossom